

# [As principles of the acas code of](https://assignbuster.com/as-principles-of-the-acas-code-of/)

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Asdefined by the Employment Rights Act, there are five possible causes fordismissal and these are listed as per below: ·        Capability·        Conduct·        Statutoryban·        Redundancy·        Someother substantial reasonThe first step in carrying out a disciplinarysituation is to follow the basic principles of the Acas Code of Practice: Disciplinary and Grievance Procedures. The rules and procedures developed inthe handling of these cases must be clear, fair and transparent and adhered to allat times throughout the process. In all instances employers should actconsistently, promptly and investigate and establish all facts before informingan employee of the problem. In situations where an employee’s capabilityto perform a job adequately is an issue, then it is of the view that theemployer seeks to discuss what additional support/ training etc is required tobring them up to the relevant level of performance. Time needs to be given toallow the employee adequate time to improve before any warning is issued – atleast two warnings must be issued before any dismissal is considered.

Issues of conduct are separated into twocategories – misconduct and gross misconduct, which means there are twodifferent procedures to be followed when investigating. Misconduct covers lessserious issues, for example, poor attendance or performance. In this situationthe same procedure for capability issues should be followed, with the aim ofsupporting the employee in progressing to the necessary standard. If thesituation does not improve over a reasonable timeframe, warnings are to beissued and dismissal to take place if no improvement has been made. Gross misconduct is for all serious acts, such as violence, gross negligence, theft etc and as long as a fair procedureis followed, an instant dismissal should occur whilst investigations commence. Upon completion of investigations, time should be allowed for the employee torespond before deciding to dismiss. Once investigations have been completed, adecision on whether it merits a disciplinary meeting will be made and theemployee to be informed of this in writing.

Sufficient evidence of theallegations in question must be provided, along with any other relevantdocumentation. Employees areentitled to be accompanied at most disciplinary and grievance hearings by afellow worker or a trade union official of their choice, provided they make areasonable request to be accompanied (Acas, 2018). A decision on theappropriate action to be taken should be discussed and the employee to beinformed in writing and a right to appeal provided. For all those acts deemedas gross misconduct an instant dismissal without notice can be issued, providing a fair procedure was followed throughout for it to be consideredlawful. All of the above, as per the Acas Code ofPractice: Disciplinary and Grievance Procedures need to be followed to ensure aclear process which are dealt with satisfactorily and fairly by those carryingout the investigations this will ultimately decrease the chances of employeesraising an unfair dismissal claim.